CLAUSE-1: SHORT TITLE

DR. SATYANARAYAN JATIA: Madam, I move:

"That at page 1, *for* line 3, the following be *substituted* namely:—

"1. (1) This Act may be called the payment of Gratuity (Amendment) Act, 1998.

2. It shall be deemed to have come into force on the 24th day of September, 1997."

The question was put and the motion was adopted.

Clause 1, as amended, was added to the Bill.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): The Enacting Formula. There is one amendment by the Minister.

ENACTING FORMULA

DR. SATYANARAYAN JATIA: Madam, I move:

"That at page 1, line 1, *for* the word "Forty-eighth" the word "Forty-ninth" be *substituted.*"

The question was put and the motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

DR. SATYANARAYAN JATIA: Madam, I beg to move:

"That the Bill, as amended, be passed."

The question was put and the mnotion was adopted.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Now, I would like to take up the Chemical Weapons Convention Bill, 1997. Shri Surjit Singh Barnala.

THE CHEMICAL WEAPONS CONVENTION BILL, 1997

THE MINISTER OF CHEMICALS AND FERTILIZERS (SHRI S.S. BARNALA): Madam, I beg to move:

"That the Bill to give effect to the Convention on the Prohibition of the Development, Production, Stockpiling and use of Chemical Weapons and on their destruction and to provide for matters connected therewith or incidental thereto, be taken into consideration."

I also move that the Bill be passed. *....(Interruptions)*

SHRI GURUDAS DAS GUPTA (West Bengal): Madam, what is the reaction of the Government about the hike in prices? Kindly ask the Minister of State for Parliamentary Affairs to say something on this.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI DILIP RAY): Madam, the Finance Minister is coming at four o' clock.

SHRI GURUDAS DAS GUPTA: Why is he coming at four o' clock?

SHRI DILIP RAY: Because he is in the Lok Sabha.

श्री अनन्तराय देवशंकर दवे (गुजरात): महोदया, यह तो बात ठीक नहीं है। वह कह रहे हैं कि चार बजे फाइनेंस मिनिस्टर स्टेटमेंट कर रहे हैं। ...(**व्यवधान**)...

श्री नीलोत्पल बसु (पश्चिमी बंगाल): गलती आप लोगों ने की है। ...(**व्यवधान**)... आप लोगों ने गलती की है तो हमसे सुनना पड़ेगा। ...(**व्यवधान**)... आप लोगों को गुस्सा नहीं होना चाहिए।

श्री अनन्तराय देवशंकर दवे: हम गुस्सा नहीं कर रहे हैं।

श्री गुरुदास दासगुप्त: मैडम, इनको इतनी जल्दी गुस्सा नहीं होना चाहिए। गलती सरकार की है, मेरी नहीं है...(**व्यवधान**)...

श्री अनन्तराय देवशंकर दवे: कोई गलती नहीं है...(**व्यवधान**)...

श्री नीलोत्पल बसु: ऐसे सब भाषण देने लगे तो मुश्किल है।

श्री अनन्तराय देवशंकर दवे: महोदया, मैं कुछ नहीं कह रहा हूं।...(व्यवधान)...

श्री राघवजी (मध्य प्रदेश): मैडम, हम उस बात का समर्थन कर रहे थे...(व्यवधान)... सदन चल रहा है तब तक स्टेटमेंट हो सकती है। ...(व्यवधान)...

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Mr. Dave, will you yield for a minute? Now, Mr. Dave is no more sitting in the Oppostion. You are in the Treasury Benches. You must have some patience. If the hon. Member has to say something, you should have patience to listen to him. Mr. Dave, please sit down. I have not allowed you. When the Members are saying something about the Government or about anything, you must have patience to listen to them. Please listen to them, and I think, the Government is competent enough to say something. There are many other Ministers sitting here. They would like to respond to it. Please don't get up so often and start saying whatever you like. पुरानी आदत बहुत देर से जाती है इसलिए इसमें आपका कोई दोष नहीं है।

SHRI S.S. BARNALA: Madam, India is the original signatory to the Chemical Weapons Convetion and was the 62nd State Party to ratify the Treaty. India was, therefore, amongst the first 65 countries on whose ratification, the Convention entered into force on 29.4.1997. The Chemical Weapons Convetnion is a universal, non-discriminatory, disarmament Treaty and bans the development, production, acquisition, transfer, use and stockpiling of all chemical weapons. The Treaty puts all the State parties on equal footing. Those countries who have the stockpiles of chemical weapons have to declare them and destroy them in a specified time schedule and those who produce or use chemicals that can be conveniently changed into chemical weapons have to be open and transparent about the use that they put these chemicals to. A detailed and vigorous inspection procedure has been devised in the Convention to ensure that no clandestine activity is carried out which is not as per the provisions of the Convention. However, the legitimate activities in chemicals will continue unhindered amongst the State Parties.

The Convention entails a number of obligations on the State Parties which include regular reporting of data in respect of chemicals, chemical weapons, chemical weapons production facilities, riot control agents etc. The data declared will also be verified through the mechanism of inspections by the Organisation for the Prohibition of Chemical Weapons (OPCW). Therefore, the information which is required to be provided to the OPCW has to be accurate in all respects. In the country, the information will have to be collected from a large number of entities in a time bound manner, especially from the chemical industry, which has produciton in the organised as well as unorganised sectors all over the country and requires statutory backing.

The Convention also provides for enactment of penal legislation prohibiting the activities prhibited to a State Party by the Convention. The penal provisions can only be set into motion through legislation.

For meeting the obligations relating to the verification activities by the international organisation, the access to the declared facilities will have to be provided which can be possible only through legislation.

India has been elected as a member of the Executive Council of the Organisation for Prohibition of Chemical Weapons. Further, India was elected as the first Chairman of the Executive Council. As the Convention has already entered into force, it is considered necessary that the information required to be furnished to the International Organisation should be complete and correct. The legal provisions to be enacted by the passing of the Bill by this

august House are required to fulfil our obligations under the Convention especially in respect of prohibition of development, production, acquisition, transfer, use and stock-piling of all chemical weapons, activities prohibited to a State Party using riot control agents as a method of war fare, collection of data, fulfilling declaration obligations, co-ordinating inspection by the International Organisation, ensuring protection of confidential information. It is, therefore, necessary that the legislation should be enacted at the earliest.

I, therefore, move that the Bill to give effect to the Convention on the Prohibition of the Development, Production, Stock-piling and Use of Chemical Weapons and on their destruction and to provide for matters connected therewith or incidental thereto, be taken into consideration. I also move that the Bill be passed.

The question was proposed.

SHRI K.M. KHAN (Andhra Pradesh): Madam Vice-Chairperson, I rise to welcome and support this very important legislation with regard to the Chemical Weapons Convention Bill of 1997. The Bill relates to the safety and security of the mankind in our country. It is relevant to the global arrangements for prevention of chemical weapons across the world. Chemical weapons are known for their destructive capacity in the world. Madam Vice-Chairperson, India is a peaceful country and we believe in total disarmament and peace. India has been expressing its concern by opposing the preparations of chemical weapons because wherever chemical weapons were found, wherever chemical weapons were used, they had caused the destruction of human beings, cities and towns. But their poisonous effects continue for generations and generations. The atom bomb was dropped in Hiroshima about 50 years ago. Even today we find the poisonous effects of the atom bomb in Japan and surrounding areas. Therefore, Madam Chairperson, I would like to submit that our country is a peace-loving country. We are engaged in poverty-allevation programmes, in removing the poverty. We want to concentrate on providing food, shelter, health and education to our people. We believe that our country doesn't need these disastrous weapons under any circumstances. Therefore, it is befitting to introduce this Bill in this House to prevent the use of chemical weapons, to check its preparation and its stockpiling and also to see that such dangerous weapons, whether they are chemical weapons or nuclear weapons, are no more produced in our country. We have conducted the nuclear weapon tests. We have congratulated our scientists. The country is proud of those tests. But do we need such tests any more? I think it is up to the House to consider it. I would like to go on record that we don't need such tests any more. We have acquired a position. We have acquired the nuclear knowledge. We possess the nuclear weapons. We don't need nuclear weapons any more. The people of this country need food. As I told you, Madam Chairperson, we need shelter. How many villages in our country don't have the basic necessity of drinking water? Is it not our duty to provide them drinking water? Is it not our duty to provide our coming generation, the younger generation, the elementary education? I am sure by passing this Bill we will be ensuring that there will be no more stockpiling of chemical weapons. There will be no more necessity for it. We have seen what happened to those countries which have prepared chemical weapons. We know the case of Iraq. Iraq prepared chemical weapons. What happened to Iraq? I don't think that Iraq could use chemical weapons against Iran. Iraq did not use chemical weapons against Kuwait during the Gulf War. But still the people of Iraq are conscious or aware of the fact that the UN sanctions are imposed on Iraq. They are also aware of the tiresome activity which has been undertaken by the UN Commission for inspection of chemcial weapons in Iraq. So, the race of arms, whether they are chemcial weapons or nuclear weapons, is

not going to help the mankind. As I told you, Madam Chairperson, we are a peace-loving country. We believe in peace. We believe in peaceful co-existence. So, on that basis I consider it very pertinent to pass this Bill.

Madam Chairperson, India unilaterally offered for inspection its chemical weapons, whatever we are having, in 1997 to the international agencies. Without compromising the security of our country we have ratified the Chemical Weapons Convention. I would also like to make mention that, according to my information, our neighbour, Pakistan, has not ratified this Convention till 1997.

I do not know the position as on today. Therefore, while signing certain treaties like CTBT, we will have to know whether our neighbours possess such weapons or not. Before signing such treaties we need to take into consideration the security of our country.

Madam, with these words, I support this Bill.

SHRI NARENDRA MOHAN (Uttar Pradesh): Madam, it is a very important Bill which has been introduced by the hon. Minister. We have already signed the Chemical Weapons Convention and it has been ratified. We have disclosed our stockpile of chemcial weapons. But there are several countries which have not yet disclosed their stockpiles of chemical weapons. That is a very important issue which should be kept in mind while passing this Bill. The Defence Ministry itself is in doubt. I would like to quote from the Annual Report of 1996-97. It says:

> "In pursuance of its commitment to the international community, India deposited the instrument of Ratification of the Chemical Weapons Convention (CWC) on September 3, 1996. By doing so, it has become 62nd country to deposit its instrument of Ratifiction, and is among the first 65 countries the deposit by whom of their Instruments of Ratification was essential in order to allow the CWC to enter into force. It is a matter of great regret, however, that major possessors of chemical weapons, and several other countries, including countries from this region, have failed to ratify the Convention. India hopes that the principle of universality, which underlines the CWC, will be adhered to by all countries which have supported and signed it."

Just now my colleague from the other side referred to Pakistan. We do not know it. It should have been made clear to us by the Minister or by someone from the Government whether Pakistan has disclosed its stockpile of chemical weapons. We know that Pakistan has signed this Convention. But we do not know whether Pakistan has declared it or not. The situation is so serious that even the list given by America is incomplete. Now I would like to quote from the Strategic Digest which was issued on May, 1998. It says:

> "The inability of the US armed forces to guarantee the safe destruction of chemical and biological weapons, painfully evident in the ongoing Iraqi crisis, is likely to result in additional resources for the development of "agent-defeating" munitions.
>
> Facilities suspected of manufacturing and storing weapons of mass destruction (WMD) are potential targets in a possible US-led air strike against Iraq, but the Department of Defence has admitted, it lacks an operational weapon system designed to defeat chemical and biological agents....."

The thing is even Americans are not sure whether they will be able to defeat the clandestine designs of their enemies. We all know how Pakistan has clandestinely procured nuclear weapons and has now tested its nuclear devices. We know that Pakistan is getting full support from various countries for manufacturing such weapons which are of mass destruction. We have to look at the Bill keeping this background in mind. That is why I

said that this Bill must have some changes.

For example, I would request the Minister to kindly refer to clause 4 of this Bill. I would like that the interest of national security Act is taken into consideration. I shall read what the clause says. Clause 4 on page 3 reads: "The Central Government may, by notification in the Official Gazette, declare that this Act shall cease to be enforced in case the Government of India withdraws from the Convention in accordance with the provisions of Article XVI." Now, this is not sufficient. I would request the Minister to add here the words "or finds this in the interest of national security" because for withdrawal you will have to give minimum 30 days' notice and in the present day warfare, 30 days' notice is too much. As soon as there is danger to national security, the Government of India should keep this option open. Even the Americans have kept this option open. Clinton has kept this option open for the Americans. Now why is it that the Government of India does not want to keep this option open? I do not know. I would request the Minister to reply to this. It would have been better if the Defence Minister was there to answer this query. It is a question of national strategy. It is a question of natinal defence. It is not a simple thing. When the national security is in jeopardy, do you mean that you are going to wait for 30 days and then take action? This is something which should not be taken so lightly. This is why I want that these words should be added.

Similarly, on page 7 of the Bill, clause 5 says: "No person shall develop, produce, otherwise acquire, stockpile, retain or use chemical weapons or transfer directly or indirectly chemical weapons to any person" and then there are several sub-clauses, 'a', 'b', 'c' and 'd'. After that, a note should be added that 'person does not include Government of India. The Government of India is supreme. The Government of India must kept its option open. Otherwise, whenever there is danger to the security of the nation, we will be hauled up; there will be blockage, there will be many impediments, there will be 30 days' notice, etc. The Americans themselves are not very sure about the situation. You know, Madam, how Iraq behaved with America. A couple of weeks back, the Americans wanted to go to Iraq to see whether the Iraqis are producing chemical weapons or not. There was a hue and cry and ultimately Iraq did not allow the Americans to come. The U.N. team visited it and found out ultimately that Iraq is not producing chemical weapons. This is not the point. My point is that the apparatus of enquiry, the apparatus of getting the knowledge whether an 'X' nation has got chemical weapons or not is very, very poor. We do not have any sophisticated systems with us. We cannot know whether Pakistan is genuinely having chemcial weapons or not. We do not know whether China, which has retified the Convention, has actually declared their complete chemical weapons or not...(*Interruptions*).

SHRI KHAN GHUFRAN ZAHIDI (Uttar Pradesh): China is your enemy No. 1.

SHRI NARENDRA MOHAN: We did not say that China is enemy No. 1. It is wrong. We never said it. We said, "China is our potential threat". Madam, I don't think that my friend, Mr. Ghufran Zahidi, would like to dilute the gravity of the debate by using such expressions which are not needed here. It is a very important issue. It is an issue of national importance....(*Interruptions*).

श्री खान गुफ़रान ज़ाहिदी: इन्होंने नाम न लिया हो लेकिन...**(व्यवधान)**

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Mr. Zahidi, no interruptions, please. You said something and on that he said about you. That is all. ....(*Interruptions*) Mr. Zahidi, no running commentary.

SHRI NARENDRA MOHAN: It is an issue which needs serious consideration. I request, through you, Madam, that the Defence Minister should come and convince the House that there is no danger to our national security. After passing this Bill he should tell us because in America there was a continuous debate for several days on this issue. The Republicans produced 29 amendments and still they were not sure whether these amendments are full or complete. Now we are just writing a Bill, leaving our options. Why should we leave our options for 30 days? Why should we leave our options which are so dear to us and which are so important to us, which may jeopardise the security of this country? it is not a question concerning Chemicals Ministry. I have full faith in Mr. Barnala who is our Chemicals Minister. But the issue is different. The issue is national security. Therefore, I demand through you, Madam, that the Govenment must produce the Defence Minister to convince the House that there is no danger to the national security even after this Bill. It is a very important Bill. It is a Bill....

SHRI NILOTPAL BASU (West Bengal) Is Mr. Barnala not adequate to look after the national security? Why is he asking the Defence Minister to come? Is he not having enough confidence in Mr. Barnala?

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Mr. Nilotpal Basu, he is talking about chemical weapons. Why do you ....(*Interruptions*)....

SHRI NILOTPAL BASU: He is saying that the Defence Minister should come as if Mr. Barnala is not adequate to take care of his Ministry. (*Interruptions*) That is the question which arises in our minds. (*Interruptions*)

SHRI NARENDRA MOHAN: My friend is trying to wedge an unnecessary difference between us which is not there. My only submission is...

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Narendra Mohanji, you don't indulge in this kind of an intervention. You please continue. They are trying to provoke you. Don't get provoked.

SHRI NARENDRA MOHAN: Madam, my submission is only this. This issue is not related only to the Chemicals Ministry. The issue is that the Defence Ministry has a view on this issue and I have read from the Report of the Defence Ministry what view they have got. They not only regretted, they apprehended something. I would further like to read what was the view of Mr. Gujral, the then Prime Minister, a couple of months back. He said categorically that there is a very important clause in the convention. Whenever we feel that the national interest so demands, we can give 30 days' notice and walk out of it. It is not something of an albatross around our neck all the time. Mr. Gujral pointed out this. It was in June 1997. Pakistan has not retified the convention and I have reasons to feel that Pakistan has clandestine designs. Now with all this in the background, what our ex-Prime Minister said I will quote, "With all that in mind how can I say that the issue does not relate to national security? That is paramount in my mind. That is very important to me. That is supreme to me. We cannot compromise our national security." So, I request that these amendments that are suggested must be added to the Bill so that if there is any danger to our national security, it must be taken care of immediately, instead of the 30 days' provision which is there in the convention. The convention is good. I am proud that our country has signed this convention. I am proud that this Government has brought this Bill. I am proud that such and such important thing is going to happen, which is very vital for overall disarmament. All these chemical weapons have to be destroyed. All these weapons which have the power of mass destruction must be destroyed. That is the view of our Government. That is the

overall view of this House also. Any weapon, whatsoever it might be, of mass destruction must be destroyed completely. We stand for total disarmament. But that does not mean that those nations which are busy in clandestine activities against us, which are busy in producing weapons of mass destruction against us, should get leverage because of some lacunae in our Bills or Acts or ratification. Madam, I am grateful to you for giving me the time. Thank you.

SHRI GURUDAS DAS GUPTA: What is his point?

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): You have heard his point.

SHRI NARENDRA MOHAN: I have made two points. The first one is...

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Don't get provoked, Mr. Narendra Mohan. Gurudas Dasji, this is not fair. No legpulling, please.

SHRI BRATIN SENGUPTA (West Bengal): Madam Vice-Chairperson, I am happy that the Chemical Weapons Convention Bill, 1997, initially piloted by the previous Government, has been brought in this Session by the new Government. It is a pleasure for me to have been given an opportunity to speak on this Bill because this is the only international convention till date—unlike other arms treaties—which stands for total destruction and thereby complete elimination in a time-bound manner of all chemical and biological weapons from the earth. I am happy also because of the fact that this Bill not only stands for this destruction and elimination, but it has also a mechanism for strict enforcement in a time-bound manner for prohibition, for use and for stockpile and eventually the destruction of all such toxic materials, the biological weapons and the chemical weapons. I am proud as an Indian to hail this Bill because India has been the leader which took the most important initiative since January 14, 1993, and even earlier to that, in bringing this convention internationally into a reality. At the same time, we never compromised with our national security. This is a feather in the crown of the age-old foreign policy of India, the foreign policy which is composed of the element of peace-keeping offences that has made us conquer our friends and foes all over the world for the last fifty years. I am also happy to hail this Bill on the Chemical Weapons Convention, as also on the biological weapons, because this is the only international convention till date which does not discriminate between a big power and a small power or between chemical and biological weapon—'haves' and 'havenots'. Therefore, we should all be proud of the foreign policy that we have been pursuing for the last fifty years. We all respect that foreign policy of ours because we all respect the dreams of our martyrs. We respect our freedom fighters and the freedom struggle of our country. We have been respecting and we all respect our foreign policy because we all respect freedom fighters like Ashfaqullah Khan and Bhagat Singh of our country. One cannot violate one of these elements without undermining the other. Therefore, Madam, if I am allowed, I will repeat certain facts about this Convention in particular, the facts which the Minister has already mentioned.

Madam, India has been the first Chairman of the Executive Council of Paris because of the tremendous contribution that Indian foreign policy makers and India as a nation, made in bringing this Convention into a reality. India was its founder-signatory—India signed on 14th January, 1993. India ratified it in September, 1996. India undertook a global campaign. India opened up its entire chemical arsenals for inspection to the international team of inspectors supported by the Technical Support Group of this Executive Council in the Hague on 27.6.1997 and everything, including our other chemical products which are meant for industrial production, was also exposed. Those were not meant for inspection. But a declaration was also made

by the Government of India without making any compromise with our national security. So, I think it is a golden opportunity for the Government to present the image of India before the world, particularly at this juncture when there has been an environment of mistrust, misunderstanding and isolation so far as our country is concerned and international arena is concerned. This environment has been created somehow out of the chain of events in the last few weeks. So, may I suggest to the Government to take this golden opportunity to present the foreign policy image of India, a case of India before the international community? I don't know whether our foreign policy leaders, the diplomatic corps anticipated it or not that this kind of an environment of mistrust, misunderstanding and isolation is going to be created against India. So, without any compromise on our national security will the Ministry of External Affairs and the Government of India — I am sure that they are taking certain measures in terms of refurbishing the image of India as far as the international arena is concerned — take this opportunity again and do something to keep alive the glorious foreign policy of our country emerging out of the blood and martyrdom of Ashfaq-ullah Khan, Bhagat Singh and many other freedom fighters? Thank you, Madam.

SYED SIBTEY RAZI (Uttar Pradesh): Madam, I am on a point of order. Earlier during the day, I along with my other colleagues raised an issue relating to the hike in petrol prices and you directed the Government to come before the House with clarifications as to what the exact position is. May I know, through you, Madam, from the Government at what time they will be coming with a statement so that we should make our presence over here?

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): When I gave that direction....

SHRI GOPALSINH G. SOLANKI (Gujarat): Madam, the Minister is coming at 4 p.m.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Who is coming? Let the Minister say something on this particular issue. Are you a Minister? बरनाला जी, पहले मैं आपको थोड़ी सी बैकग्राउंड दे दूं।

SHRI S.S. BARNALA: I have the background.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): So, at what time the Minister is going to make the statement on the floor of the House?

SHRI S.S. BARNALA: I have been informed that he is coming over here at 4 p.m.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): So, at 4 p.m. the Minister will come over here and make the statement. Okay, Thank you.

SHRI JOHN F. FERNANDES (Goa): May I start, Madam?

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Yes, please.

SHRI GURUDAS DAS GUPTA: Madam, Mr. Barnala informed that the Minister is coming at 4 p.m. but the agenda has not been circulated.

सरदार सुरजीत सिंह बरनाला: किसका एजेण्डा?

SHRI GURUDAS DAS GUPTA: There should be some agenda that the Minister is going to make a statement. There has to be some sort of intimation to the Members. इसे सर्कुलेट होना चाहिए।

उपसभाध्यक्ष (कुमारी सरोज खापर्डे): एजेण्डा तो, आप थे नहीं, न उस समय। ...**(व्यवधान)**...

SHRI JOHN F. FERNANDES: Madam, I want to know whether that will be a *suo motu* statement or just clarifications by the Minister.

श्री गुरुदास दासगुप्त: सप्लीमेंटरी लिस्ट आफ बिजनेस होनी चाहिए।

श्री नारायण प्रसाद गुप्ता (मध्य प्रदेश): उसी विषय पर बोलना है, जिसके लिए आपने इंटरप्ट किया। ....**(व्यवधान)**...

श्री गुरुदास दासगुप्त: नहीं, नहीं। हम लोग यही बोल रहे हैं। ...**(व्यवधान)**...

I agree. We feel privileged because the Finance Minister has some time to talk to the Members of this House. कानून के मुताबिक होना चाहिए, न। बीजेपी कानून की बात करती है।....**(व्यवधान)**...The Supplementary List of Business must be circulated to the Members.

SHRI KHAN GHUFRAN ZAHIDI: It is not necessary. मैडम, आपने डायरेक्शन दी थी।

उपसभाध्यक्ष (कुमारी सरोज खापर्डे): देखिए, मैम्बर्स ने सरकार से कुछ इंफोरमेशन मांगी थी। तो जो इंफोरमेशन माननीय सदस्यों को चाहिए थी, उसी के ऊपर मैंने डायरेक्शन दी थी कि उसके ऊपर मंत्री जी खुद आकर अपना स्टेटमेंट दे दें।

SHRI GURUDAS DAS GUPTA: I stand corrected. I thought it was a *suo motu* statement. *(Interruptions)*

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): You always create a confusion in the whole House, which is not fair. *(Interruptions)*

DR. BIPLAB DASGUPTA (West Bengal): Madam, I have been impressed by Gurudas Das Gupta's Hindi. *(Interruptions)*

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): He speaks excellent Hindi. *(Interruptions)*

SHRI JONH F. FERNANDES: Madam, I rise to support this Bill piloted by the hon. Minister for Chemicals and Fertilizers. But, I have many points to raise. A convention was signed by the Government of India on 14th January, 1992 in Paris. Subsequently, it was ratified on 3rd September, 1996. It came into force on 29th April, 1997. This Bill is dated 28th July, 1997, introduced on 6th August, 1997 and we are debating this Bill today, the 2nd June. I want to know from the hon. Minister as to what is the legal process we followed in the interregnum in this country. The Bill is before us and I have nothing against it, Madam. It is a very good legislation. But my fear is that there are 296 countries accredited to the United Nations but only 130 countries are the signatories, as stated in the Statement of Objectives and Reasons. I want the hon. Minister to throw light on whether the so-called big powers, the five super powers, the nuclear club members, are parties to this, because we do not have a list of countries who have signed.

Some apprehensions were raised by my hon. colleagues in the neighbourhood. One thing I want to say about the Convention is that it is a Convention which is not discriminatory, it is universal and multi-lateral. There is clause 4 which says, "Article 16 of the Convention says that you can come out of it," unlike CTBT or NPT which makes it mandatory to be a party to it and there is a deterrant against you. I have nothing against this Convention as such, Madam, because this Convention only prohibits chemical weapons for destruction. It does not prohibit a country making chemical substances for peaceful purposes, for pharmaceuticals industry and for allied matters. Madam, I do not find anything objectionable. I feel that the security of this country is not in danger as is made out by Shri Narendra Mohan. He has also moved an amendment to clause 4. It is in the interest of national security. The BJP is now talking of national security. I do not think that there should be any apprehensions about it. They are having National Agenda for Governance and they have clause 26 which mentions that they would initiate a National Security Council. Without doing that they have gone in for nuclear explosion for weaponising the country. In the same para they have mentioned that there will be a strategic defence review and this also has not been done. It is the BJP which is throwing all norms to the winds. I do not think it will be appropriate to say that it is not in the interest of national security. Everybody is concerned with national security. He has mentioned in clause 12 that "any person" should not include "Government of India." It is a contradiction by itself. How can you allow Government of India to go in for chemical weapons. Nobody in this country is ready to include Government of

India. I think there is a contradiction. I feel, the BJP is much confused on what they actually want and that is where my colleague wanted to intervene and say that it is a confusing and contradictory statement.

Madam, I hope the hon. Minister will throw some light on the day on which it was ratified. Madam, whenever a treaty is signed by the Government of India, it is done without having any provision in our Constitution. This Parliament is a slave under the Government, under the executive powers of article 70 of the Constitution. The Government of India should have immediately come before Parliament and got it ratified by the Parliament and then would have gone to ratify it internationally. This is the system even in those smaller democracies of Europe. We claim that this is the largest working democracy in the world. We have seen what happened when in Europe the Mastrich Treaty was signed by those European countries. The Mastrich Treaty was signed by the European countries for the European Union. It was ratified by the respective Parliaments. Here is a legislation, an international legislation, a treaty, which has been ratified without the consent of the Parliament. It has been enforced and there is no legislation. I do not know what the Government was doing all this time. I hope hon. Minister will throw some light on it. Madam, we are talking only of chemical weapons. What about the biological weapons? We know biological weapons were used in the Gulf War. I would like to know whether the Government of India will take an initiative at the international fora to link biological weapons also to this Convention or to a similar Convention to be signed in future. I would like to know whether the Government of India can take an initiative because we are already in the warfare of nuclear armament and nuclear armament does not only mean that we are going in for a chemical bomb or a nuclear bomb. The same missiles can be used to put chemical or biological warheads on these missiles. So, I think India should be in the forefront to take an initiative to see to it that the biological weapons are also brought under a similar Convention. We know what happened during the Second World War. I happened to visit Poland with our President. We visited the chambers built by Nazis at Austwitz in which about two million people were put to death. This hounds the humanity. This is a humanitarian legislation. This legislation not only prohibits a country from using chemical weapons against an alien or foreign country, but this legislation also prohibits a country from using chemical deterrents against its own people. When I read the Statement of Objects and Reasons, I thought that even the tear-gas used by the police to control a crowd or riots should also be included in it. I would like to know from the Minister whether they would like to enforce this in this country after this legislation. I would like to know whether they will bring tear-gas also under it which is used by the police against the agitators because it has been mentioned in the Statement of Objects and Reasons. I hope the hon. Minister will clarify it. I feel it is a progressive legislation for the protection of the humanity. I think the hon. Minister would also like to inform us as to how many countries, superpowers have signed it because all the 130 countries who have signed this Convention are third world countries. I would also like to know whether this Convention will see to it that those countries who have signed the CTBT are also compelled to sign this Convention. There are about 200 countries who have signed the CTBT and there are countries more than that who have signed the NPT. Why should not all these countries be brought under this regime, this Convention? Madma, I again would like to know whether biological weapons also be brought under this Convention along with the chemical weapons. With these few submission, I hope the hon. Minister will clarify the points which I have raised. Madam, I support this Bill. Thank you, Madam.

SHRI N. THALAVAI SUNDARAM (Tamil Nadu): Madam, the Convention

was signed by the Government of India in 1993. I welcome this Bill. All the Chemical Weapons in our country should be destroyed. Every day in our country, particularly in Tamil Nadu, we are having some kind of a bomb blast. Bomb blast means, all these bombs are being manufactured with the help of some kind of chemical material.

Madam, I would like to bring to the notice of the House an unstarred Question on 27th May, 1998, by our hon. friend, Mr. Agarwal. The question was specific about the recovery of explosive items in our country. The reply was, there are only two States — Jammu and Kashmir and Tamil Nadu — from which they have recovered a lot of explosives and chemical weapons.

SHRIMATI KAMLA SINHA (Bihar): Madam, I an on a point of order. Kindly inform the hon. Member that explosive materials and chemical materials are two different things. He is mixing the two things ...*(Interruptions)*... This is a dangerous mixing ...*(Interruptions)*...

SHRI N. THALAVAI SUNDARAM: No, no. I am not mixing both the things. Here, what I am trying to explain is, how the bombs are manufactured with the help of chemical material. There was a specific question before this House. It was Unstarred Question No. 37, dated 27th May, 1998, by Shri Ramdas Agarwal. In that question Shri Ramdas Agarwal has asked whether the Government is aware of increasing number of cases of recovery of explosives and other such materials — "other materials" means chemical weapons — in many parts of the country, particularly in Tamil Nadu and Jammu and Kashmir ...*(Interruptions)*... Yes, Kashmir and Tamil Nadu. Madam, we have the most inefficient Chief Minister in Tamil Nadu. That is the reason why these chemical weapons i.e., explosive items made from the chemical material are in Coimbatore.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Is it part of the Chemical Weapons Convention Bill?

SHRI N. THALAVAI SUNDRARAM: Yes, I will come to that point ...*(Interruptions)*... Madam, let me explain to you as to how the chemical weapons came to Tamil Nadu ....*(Interruptions)*...

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Mr. Sundaram, do not club your Chief Minister with chemical weapons .....*(Interruptions)*.... Please come to the point .....*(Interruptions)*..... No, no. This is not fair. You speak on the Bill.

SHRI N. THALAVAI SUNDARAM: Madam, these are coming from Pakistan to Coimbatore. That is the reason why a specific question was put by hon. Mr. Agarwal. The reply given by the Home Ministry shows that they find explosives only in Tamil Nadu and Jammu and Kashmir.

As far as internal security is concerned, you know very well, particularly in our State— Tamil Nadu— we are facing a lot of ISI activities every day. Not only this year but also in the years 1995, 1996 and 1997, we had discussed about the ISI activities in Tamil Nadu. Originally, this question was asked by Mr. Agarwal and after that there were Zero Hour submissions and also Special Mentions on this. The reply given by the Government of India is, all the ISI activities are there only in Coimbatore and not anywhere in the country. As far as this Bill is concerned, I am welcoming this because destruction of chemical weapons, destruction of chemical activities or manufacturing of chemical weapons in our country, is welcome. But, my point is, how are we going to prevent the coming in of chemical weapons in Tamil Nadu, particularly, in Coimbatore, because all these weapons are there in Tamil Nadu and Jammu and Kashmir? ....*(Interruptions)*.....

4.00 P.M.

THE VICE-CHAIRMAN (SHRIMATI SAROJ KHAPARDE): Do you mean to say that Tamil Nadu is ultimately a part of chemical weapons?

SHRI N. THALAVAI SUNDRAM: Yes, yes. Therefore, either the Tamil Nadu Government may be dismissed or action be taken against the Chief Minister of Tamil Nadu because these weapons are only in Tamil Nadu and nowhere else in the country. Madam, I support this Bill.

PROF. NAUNIHAL SINGH (Uttar Pradesh): Madam, I congratulate the Minister for bringing this Bill before the House. This is a very ennobling Bill, of course, seeking a great protection of the humanity. Madam, I welcome and support this Bill to give effect to the convention on the prohibition of development, production, stockpiling and use of chemical weapons, and their complete destruction. Madam, India has been scrupulously following a consistent policy on weapons of mass destruction, be they biological, chemical or nuclear. Having realised the threat posed by these deadly weapons to its national security, the Government of India enunciated a twin-track policy—unlimited renunciation of these weapons, even while reiterating that the country retains the right to produce them until global, non-discriminatory measures are agreed upon to totally eliminate them. Of course, this should be done in a manner consistent with India's national security. But, surprisingly, by default, the previous Governments appear to have departed from this policy on the question of chemical weapons. First, in 1992 India signed a bilateral pact with Pakistan undertaking not to produce, stockpile and use chemical weapons. This was done in a year before the Chemical Weapons' Convention was opened for signature. Thus, the global, non-discriminatory clause was thrown to the winds. This move could not have been justified as having served India's security concerns.

India enthusiastically signed the CWC and ratified it before the Convention came into force on April 29, 1997. Madam, this time the Government's action was in tune with the 'global, non-discriminatory' clause, but failed to ensure national security. This anomalous situation arose because Pakistan, having signed the CWC, has not ratified it.

Now, India finds itself in an unenviable position of having to declare its chemical weapons capability as required under the CWC, while Pakistan is not bound to do the same.

Unlike nuclear weapons, chemical weapons can be produced easily, within a short time. Pakistan's failure to come clean on this question will jeopardise India's security.

The CWC, which was opened for signatures in Paris on January 13, 1993, where 130 countries signed, replaces the Geneva Protocol. The US and Russia signed it on June 1990. This agreement committed both countries to end chemical weapons production and to reduce their chemical weapons stocks by destruction to no more than 5,000 metric tons each by the end of 2002. Whereas you will be surprised to know that the USA possesses no less than 30,000 metric tons and Russia possesses no less than 40,000 metric tons. By 9th July, 1993 only 146 States had signed the CWC, but there has been ratifications only by four countries, that is, the USA, Russia, China and Pakistan. While the 1925 Protocol banned the use of chemical weapons, it did not prohibit development or production; nor where there any provisions for verification. The CWC requires the signatories never 'under any circumstances' to undertake, develop, produce, acquire or stockpile chemical weapons or transfer it to anyone, to use chemical weapons and to assist or encourage anyone to engage in an activity prohibited by the CWC. They also undertook to destroy all chemical weapon stocks and all chemical weapon production facilities and not to use riot-control agents in war.

The CWC is of unlimited duration. Madam, the world is aware of the plight of about 5000 American soldiers who were exposed to chemicals during 1991 Gulf War. Besides, Madam, the Treaty fails to talk about the chemical weapons used by terrorists and ways to curb it.

However, Madam, I appeal to the House wholeheartedly to support and pass this Bill. Thank you. (*Interruptions*)

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Yes, that is what I am going to say. On my ruling the Finance Minister is here in the House. He would like to make some Statement on the questions put and the information given to the House by Mr. Syed Sibtey Razi and others.

CLARIFICATION ON THE STATEMENT BY MINISTER

Hike in the prices of Petrol and Urea

THE MINISTER OF FINANCE (SHRI YASHWANT SINHA): Madam, I have a clarification to offer to the House. In my Budget Speech yesterday, I had mentioned that the price of petrol, i.e. motor spirit, was being raised by Rupee One per litre and that this money so collected will be put at the disposal of the National Highway Authority of India for the improvement of our National Highways. Consequent upon the policy of the Government to dismantle the administered price mechanism in the petroleum sector, certain duty changes had also been proposed. And, as a result of those duty changes, no increase in the price to the consumer was envisaged. There was some communication gap as a result of which it appears that some higher price for petroleum has been charged since last midnight. The moment I came to know about it, I got in touch with the Petroleum Ministry and we have sorted out the matter and I am happy to inform the House that instructions have already been issued that this burden, apart from the Rupee One, should not be transferred to the consumer. The consumer will continue to pay only the previous price plus One Rupee plus local tax on that Rupee One because local sales tax is different in different States. Any confusion in this regard has been completely sorted out and the new prices will become effective from midnight tonight. This is one clarification which I wished to offer to the House. Simultaneously, I would like to say that if any inconvenience has been caused as a result of this lack of communication, then, I am sorry that this kind of a situation has arisen.

The second clarification which I wish to offer, Madam, was that in view of the fact that we have done a great deal in this Budget for the farming community of our country whose interests are uppermost in the mind of the Government, an impression has been created that a slight increase in the price of urea is an anti-farmer step. The Government considered this and we have decided to roll back fifty per cent of the increase which I had proposed. I had proposed in the Budget an increase Re. 1/- per kg., or, Rs. 1,000/- per tonne. This increase will now amount to fifty paise per kg. in the price of urea.

I would like to inform the House, through you, Madam, that the purpose behind this move was not so much to collecting money for the coffers of the Government. The important consideration which weighed with the Government in this was the fact that the balance between NPK, the three types of fertilisers which are used by the farmer, has got completely deteriorated as a result of the policies followed in the past. Instead of being in the ratio of 4:2:1, the ratio had deteriorated to 10:2:1, with a lot of emphasis on the use of nitrogenous fertilisers. It was with a view to protecting and safeguarding the fertility of our soil that this step had been proposed by the Government. However, in view of the sentiments, we have rolled back the price by fifty per cent.

This is the clarification which I wanted to offer before the House. Thank you, Madam.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Thank you, Mr. Minister, for clarifying the position of the Government on this particular subject. But I think some Members would like to